

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

KENNETH E. SAVAGE, JR.,

Plaintiff,

v.

**FEDERAL EXPRESS CORPORATION
d/b/a FEDEX EXPRESS and FEDEX
CORPORATION EMPLOYEES'
PENSION PLAN,**

Defendants.

No. 2:14-cv-02057-STA-dkv

PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION IN LIMINE NO. 1

Comes now, Plaintiff Kenneth E. Savage, Jr., and files his response to Defendants' Motion in Limine No. 1 (Doc. 107) in which Defendants seek to preclude, under Rules 801(c), 802, 402 and 403 of the Federal Rules of Evidence, Plaintiff, his counsel, and Joffre Disabatino from "testifying" at trial about comparators Betty Parron, Antoine Franklin and Pablo Melgar.¹

Plaintiff does *not* object to Defendants' Motion in Limine No. 1.²

Respectfully submitted,

/s/ Joseph A. Napiltonia
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¹ Plaintiff's counsel will not be "testifying" at trial on any matter, but rather representing Plaintiff

² While Defendants' motion does not list any other individuals in which it seeks to exclude from testifying about Parron, Franklin, and Melgar, out of an abundance of caution, Plaintiff does object to Defendants' motion if the Court finds that it pertains to other individuals testifying about Melgar's violation of the Reduced-rate Shipping Policy, for example Scot Ogden ("Ogden") authored a letter regarding Melgar's violation of the Reduced-rate Shipping Policy. Ogden was served with a trial subpoena **after** Defendants filed their Motion in Limine No. 1.

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CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2015, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which should send such notification to the named party below:

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Attorneys for Defendants

/s/ Joseph A. Napiltonia
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